

### Remarks

Claims 1-9, 11-18 and 20 are pending. In Applicants' amendment mailed August 26, 2002, Applicants canceled claims 10 and 19 without prejudice. Thus, the statement that claims 1-20 are pending in the application on the PTO-326 form is incorrect. Claims 10 and 19 are not just withdrawn from consideration they are canceled without prejudice and thus, are no longer pending. Applicants thank the Examiner in advance for the appropriate correction. No amendments are made herein.

Applicants respectfully submit claims 1-4, 8-9, 11-14, 17-18, and 20 are patentable over Lee (U.S. 6,222,212) under 35 U.S.C. 102(e). In response to Applicants' arguments, the Examiner contends that Lee's substrate 806 could be a packaging material. Applicants disagree. The phrase "substrate" refers to various types of materials and the type of material being referred to is based on the application using the substrate. For example, in biology specimens (such as mold) may be grown on an agar substrate in a petri dish. Clearly, Lee's substrate is not agar because the programmable element could not be formed in agar. Likewise, Lee's substrate cannot be a packaging material. Lee teaches forming the programmable element in the substrate and teaches that the substrate is a semiconductor. (A semiconductor is needed to provide the solid state physics necessary to form a working programmable element as a skilled artisan recognizes.) In semiconductors, there are two different types of substrates: i) semiconductor substrates (i.e., wafers) and ii) packaging substrates (i.e., resin glass). As a skilled artisan recognizes the two cannot be interchanged with each other because a semiconductor substrate is chosen based on its semiconductor properties and a packaging substrate is chosen based on its insulating properties. Thus, a substrate cannot be made of resin if it is a substrate in which semiconductor devices are being formed (i.e., a semiconductor wafer.) Lee teaches this type of substrate and thus, Lee's substrate cannot be a resin material. A skilled artisan would not replace Lee's substrate with resin because doing so would destroy the functionality (i.e., semiconductor properties) of the device. Thus, the Examiner's statement that Lee's substrate could be a packaging material is in error.

Since Lee's substrate (e.g., element 806) is not and cannot be a packaging material, Lee fails to teach or suggest that a packaging material is on the programmable element 813.

Believing to have responded to every issue raised by the Examiner in the communication mailed November 6, 2002, Applicants believe the present Application is currently in a condition of allowance. Applicants thank the Examiner for pointing out allowable subject matter, but herein earnestly solicit allowance of pending claims 1-9, 11-18 and 20. Please contact Applicant's practitioner listed below if there are any issues.

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